

SENATE BILL 783

By Overbey

AN ACT to amend Tennessee Code Annotated, Title 40,  
relative to criminal offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-18-110, is amended by adding  
the following as new subsections:

(f) An offense is a lesser included offense if:

(1) All of its statutory elements are included within the statutory elements  
of the offense charged;

(2) The offense is facilitation of the offense charged or of an offense that  
otherwise meets the definition of lesser included offense in subdivision (f)(1);

(3) The offense is an attempt to commit the offense charged or an  
offense that otherwise meets the definition of lesser included offense in  
subdivision (f)(1); or

(4) The offense is solicitation to commit the offense charged or an  
offense that otherwise meets the definition of lesser included offense in  
subdivision (f)(1).

(g) Second degree murder is a lesser included offense of first degree murder as  
defined in § 39-13-202(a)(2) and (3).

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.